

AMENDED IN ASSEMBLY APRIL 22, 1997

AMENDED IN ASSEMBLY APRIL 8, 1997

SENATE BILL

No. 1

Introduced by Senator Burton
(Coauthors: Senators Hurtt and Johnson)
(Coauthor: Assembly Member ~~Members~~ *Members Baugh, Granlund,*
and Woods)

December 2, 1996

An act to add Section 2248 to the Business and Professions Code, relating to health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Burton. Health: prostate cancer.

Existing law imposes certain duties on physicians and surgeons in providing services in the diagnosis and treatment of cancer. Existing law urges physicians and surgeons to make specified information concerning the treatment of prostate cancer available to patients when appropriate.

This bill would *establish the Grant H. Kenyon Prostate Cancer Detection Act* and would require a physician and surgeon who, ~~as part of his or her service~~ *during a physical examination*, examines a patient's prostate gland, to provide information to the patient about the availability of appropriate diagnostic procedures, including, but not limited to, the prostate specific antigen (PSA) test, if certain conditions are present. The bill would provide that violation of its provisions constitutes unprofessional conduct.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2248 is added to the Business and
2 Professions Code, to read:

3 2248. ~~(a) This section shall be known as, and may be~~
4 ~~cited as, the Grant H. Kenyon Prostate Cancer Detection~~
5 ~~Act.~~

6 (a) If a physician and surgeon, ~~as part of his or her~~
7 ~~service during a physical examination,~~ examines a
8 patient's prostate gland, the physician and surgeon shall
9 provide information to the patient about the availability
10 of appropriate diagnostic procedures, including, but not
11 limited to, the prostate antigen (PSA) test, if any of the
12 following conditions are present:

13 (1) The patient is over 50 years of age.

14 (2) The patient manifests clinical symptomatology.

15 (3) The patient is at an increased risk of prostate
16 cancer.

17 (4) The provision of the information to the patient is
18 medically necessary, in the opinion of the physician and
19 surgeon.

20 (b) Violation of subdivision (a) constitutes
21 unprofessional conduct and is not subject to Section 2314.

22 SEC. 2. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or
24 safety within the meaning of Article IV of the
25 Constitution and shall go into immediate effect. The facts
26 constituting the necessity are:

27 Prostate cancer is currently a leading cause of cancer
28 death in males in this country. In order to save as many
29 people's lives from this deadly disease as soon as possible
30 through public awareness of the availability of early

1 detection procedures, it is necessary that this act take
2 effect immediately.

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